

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CLYDE McKNIGHT,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

C24-2125 TSZ
[related to CR18-16]

ORDER

Petitioner has filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. After a preliminary review of the § 2255 motion, the Court ORDERS as follows:

(1) Petitioner's motion, docket no. 1-1, for leave to file an overlength motion, is GRANTED, and petitioner's 17-page motion, docket no. 1, and 67-page memorandum in support, docket no. 1-2, are accepted.

(2) The Clerk of Court shall arrange for service by first-class mail upon the United States Attorney of a copy of the § 2255 motion, as well as of the memorandum in support and attachments thereto, and of this Order. The Clerk shall also direct a copy of this Order to petitioner.

(3) On or before April 30, 2025, the United States shall file and serve an Answer in accordance with Rule 5 of the Rules Governing Section 2255 Cases in United

1 States District Courts. As part of such Answer, the United States should state its position
2 as to whether an evidentiary hearing is necessary, whether any issue exists as to abuse or
3 delay under Rule 9, and whether the § 2255 motion is barred by the statute of limitations.
4 Such Answer and/or response brief shall not exceed eighty (80) pages in length.

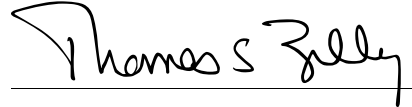
5 (4) On the face of the Answer, the United States shall note the Answer for
6 consideration on the fourth Friday after it is filed, and the Clerk shall note the Answer
7 (and renote the § 2255 Motion) accordingly. Petitioner may file and serve a response not
8 later than on the Monday immediately preceding the Friday designated for consideration
9 of the matter (the “noting date”). Such response shall not exceed forty (40) pages in
10 length. The United States may file and serve a reply brief, which shall not exceed twenty
11 (20) pages in length, not later than on the noting date.

12 (5) If no Answer is timely filed, the Court will deem the § 2255 motion ready
13 for consideration on May 2, 2025. The Clerk is directed to NOTE the § 2255 motion,
14 docket no. 1, for May 2, 2025.

15 (6) If the United States intends to seek a ruling that petitioner has waived his
16 attorney-client privilege, it shall file and serve an appropriate motion within fourteen (14)
17 days of the date of this Order, and any such motion shall be noted for twenty-one (21)
18 days after it is filed. Any response shall be filed by the noting date. No reply shall be
19 filed unless requested by the Court. As part of any such motion, the United States shall
20 indicate whether counsel should be appointed to represent petitioner in connection with
21 his § 2255 motion and/or the issue of whether petitioner has waived his attorney-client
22 privilege.
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1 IT IS SO ORDERED.

2 Dated this 6th day of January, 2025.

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5 Thomas S. Zilly
6 United States District Judge
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